

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA	:	CRIMINAL NO. _____
v.	:	DATE FILED: _____
JOSE LUNA	:	VIOLATIONS:
	:	21 U.S.C. § 841(a)(1) (possession with
	:	intent to distribute cocaine - 1 count)
	:	18 U.S.C. § 924(c) (possession of a firearm
	:	in furtherance of a drug trafficking crime
	:	- 1 count)
	:	18 U.S.C. § 922(g)(1) (convicted felon in
	:	possession of a firearm - 1 count)
	:	18 U.S.C. § 924 (e) (armed career
	:	criminal)
	:	Notice of prior convictions
	:	Notice of additional factors
	:	Notice of forfeiture

INDICTMENT

COUNT ONE

THE GRAND JURY CHARGES THAT:

On or about March 10, 2004, at Philadelphia, in the Eastern District of
Pennsylvania, defendant

JOSE LUNA

knowingly and intentionally possessed with intent to distribute a mixture or substance containing
a detectable amount of cocaine, a Schedule II controlled substance.

In violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(C).

COUNT TWO

THE GRAND JURY FURTHER CHARGES THAT:

On or about March 10, 2004, at Philadelphia, in the Eastern District of Pennsylvania, defendant

JOSE LUNA

knowingly possessed a firearm, that is, a Beretta, Model 21A, .22 caliber semi automatic pistol, serial # BBS26809U, loaded with 6 rounds, in furtherance of a drug trafficking crime for which he may be prosecuted in a court of the United States, that is, possession with intent to distribute a controlled substance, in violation of Title 21, United States Code, Section 841(a)(1).

In violation of Title 18, United States Code, Section 924(c)(1).

COUNT THREE

THE GRAND JURY FURTHER CHARGES THAT:

On or about March 10, 2004, at Philadelphia, in the Eastern District of
Pennsylvania, defendant

JOSE LUNA,

having been convicted in a court of the State of New York of a crime punishable by
imprisonment for a term exceeding one year, knowingly possessed in and affecting interstate
commerce a firearm, that is, a Beretta, Model 21A, .22 caliber semi automatic pistol, serial #
BBS26809U, loaded with 6 rounds.

In violation of Title 18, United States Code, Sections 922(g)(1) and 924(e).

NOTICE OF PRIOR CONVICTIONS

THE GRAND JURY FURTHER CHARGES THAT:

Defendant **JOSE LUNA** committed the offense charged in Count Three of this indictment after he had been convicted in the courts of the State of New York of the following serious drug offenses:

1. Kings County, Ind # 1228-93
(criminal sale controlled substance)
2. Kings County, Ind # 9790-93
(criminal sale controlled substance)
3. Kings County, Ind # 10908-93
(criminal sale controlled substance)

NOTICE OF ADDITIONAL FACTORS

THE GRAND JURY FURTHER CHARGES THAT:

1. In committing the offense charged in Count One of this indictment, defendant **JOSE LUNA:**

a. Committed an offense and relevant conduct involving more than 12 grams of cocaine, as described in U.S.S.G. § 2D1.1(a)(3).

b. Committed an offense in which a dangerous weapon (including a firearm) was possessed, as described in U.S.S.G. § 2D1.1(b)(1).

2. In committing the offenses charged in Counts Two and Three of this indictment, defendant **JOSE LUNA:**

a. Used and possessed a firearm and ammunition in connection with another felony offense, as described in U.S.S.G. § 2K2.1(b)(5).

b. Possessed and transferred a firearm and ammunition with knowledge, intent, and reason to believe that it would be used and possessed in connection with another felony offense, as described in U.S.S.G. § 2K2.1(b)(5).

3. In committing the offenses charged in Counts One, Two and Three of this indictment, defendant **JOSE LUNA:**

a. Committed the offense while under a criminal justice sentence, including probation and parole, as described in U.S.S.G. § 4A1.1(d).

b. Was a career offender, as defined by U.S.S.G. § 4B1.1.

NOTICE OF FORFEITURE

THE GRAND JURY FURTHER CHARGES THAT:

As a result of the violation of Title 18, United States Code, Section 922(g)(1), set forth in Count One of this indictment, the defendant

JOSE LUNA

shall forfeit to the United States of America, pursuant to Title 18, United States Code, Section 924(d), and Title 28, United States Code, Section 2461(c), the firearm involved in the commission of this offense, including, but not limited to:

1. a Beretta, Model 21A, .22 caliber semi automatic pistol, serial #
BBS26809U, loaded with 6 rounds

All pursuant to Title 28, United States Code, Section 2461(c), and Title 18, United States Code, Section 924(d).

A TRUE BILL:

GRAND JURY FOREPERSON

PATRICK L. MEEHAN
UNITED STATES ATTORNEY